IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.23557 of 2000

Dated: 20-06-2007

Between:

M. S. Chinnikrishna Swamy, s/o M.Srinivasa Mudali.

... Petitioner

and

1. The District Collector, Chittoor and another.

... Respondents

ORDER:

Petitioner states that his father was granted DKT patta by the then Tahsildar in respect of the lands in an extent of Ac.0-14 cents and Ac.0-03 cents in Sy.Nos.208/6 and 209/2 respectively, situated in Puttur, Chittoor District in 1978. Much prior to the assignment of the said lands i.e. for the last about 60 years, the said lands are in possession and enjoyment of his family. His father died on 24-07-1989 and thereafter his brothers got divided and the said property fell to his share and since then he has been in possession and enjoyment of the

said lands, by paying necessary taxes etc., to the Government. Earlier when respondents were trying to interfere with his possession and enjoyment of the said lands, he filed W.P.No.31513 of 1997, wherein this Court by order dated 27-11-1997 directed respondents not to dispossess him from the lands in question except in due process of law. He further states that once again due to political pressures, second respondent called him on 25-11-2000 and directed him to vacate the lands in question saying that he has received instructions from first respondent. Hence, he approached this Court and filed the present writ petition seeking a *mandamus* to declare the action of respondents in threatening to dispossess him from the lands in question, as arbitrary and illegal and consequently direct respondents not to interfere with his possession in respect of the lands in question.

2. This Court on 02-12-2000 while issuing *Rule nisi,* in W.P.M.P.No.30111 of 2000 granted *status quo.* Subsequently, a counter affidavit is filed by second respondent with a petition to vacate the said order. But, however, as there was no denial with regard to the factum of possession, this Court refused to vacate the said interim order and accordingly dismissed the said petition and made the interim order absolute by an order dated 22-07-2002.

3. Having heard both the learned counsel, this Court of the view that petitioner continued to be in possession of the lands in question and the same cannot be interfered with by respondents without following due process under law.

4. Accordingly, the writ petition is disposed of directing respondents not to interfere with petitioner's possession over the lands in question without following due process under law. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.20-06-2007
GLV